

**IN THE UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF ALABAMA
NORTHERN DIVISION**

KOCH FOODS OF ALABAMA, LLC,

Appellee,

v.

GENERAL ELECTRIC CAPITAL
CORPORATION,

Appellant.

Civil Action No. 2:07cv522-MHT

Honorable Myron H. Thompson,
District Court Judge

**NOTICE OF APPEAL BY GENERAL ELECTRIC CAPITAL
CORPORATION FROM JUDGMENT AND OPINION**

Appellant, General Electric Capital Corporation ("GE Capital"), by and through its undersigned attorneys, and pursuant to Rules 3(a)(1), 3(c)(1), and 4(a)(1)(A) of the Federal Rules of Appellate Procedure and the Circuit Rules of the United States Court of Appeals for the Eleventh Circuit, hereby appeals to the United States Court of Appeals for the Eleventh Circuit from the Judgment [Docket No. 121] and the Opinion [Docket No. 120] (collectively, the "Judgment"), entered on April 8, 2008, in the above-captioned proceeding, along with all interlocutory rulings leading up to the Judgment including but not limited to the Order and Protective Order entered on November 15, 2007 [Docket No. 32], and the Opinion and Order entered on January 17, 2008 [Docket No. 75].

The parties to the Judgment that GE Capital hereby appeals are Koch Foods of Alabama, LLC ("Koch Foods") and GE Capital. The parties are represented by counsel as follows:

Counsel to Koch Foods:

Thomas G. Mancuso
Constance C. Walker
Thomas T. Gallion, III
HASKELL SLAUGHTER YOUNG & GALLION, LLC
305 South Lawrence Street
Montgomery, Alabama 36104
(334) 265-8573
(334) 264-7945 (fax)

Eugene J. Geekie, Jr.
Ziyuan "Mike" Xu
SCHIFF HARDIN LLP
6600 Sears Tower
Chicago, Illinois 60606
(312) 258-5500
(312) 258-5600 (fax)

Counsel to GE Capital:

Alexander Terras
Timothy S. Harris
Ann E. Pille
REED SMITH LLP
10 S. Wacker, Suite 4000
Chicago, Illinois 60606
(312) 207-1000
(312) 207-6400 (fax)

Rusha C. Smith
BRADLEY ARANT ROSE & WHITE LLP
One Federal Place
1819 Fifth Avenue North
Birmingham, Alabama 35203
(205) 521-8010
(205) 488-6010 (fax)

Dated: April 21st, 2008

Respectfully submitted,

GENERAL ELECTRIC CAPITAL
CORPORATION

By: /s/ Rusha C. Smith
One of its attorneys

Counsel to GE Capital:

Alexander Terras
Timothy S. Harris
Ann E. Pille
REED SMITH LLP
10 S. Wacker, Suite 4000
Chicago, Illinois 60606
(312) 207-1000
(312) 207-6400 (fax)

Rusha C. Smith
BRADLEY ARANT ROSE & WHITE LLP
One Federal Place
1819 Fifth Avenue North
Birmingham, Alabama 35203
(205) 521-8010
(205) 488-6010 (fax)

CERTIFICATE OF SERVICE

I, Rusha C. Smith, hereby certify that on April 21st, 2008, I caused a copy of the Notice of Appeal by General Electric Capital Corporation from Judgment and Opinion to be filed electronically. Notice of this filing was sent automatically, via the Court's CM/ECF system, to each individual that has filed an electronic appearance in the proceeding. In addition, notice will be sent by the district clerk in compliance with Rule 3(d)(1) of the Federal Rules of Appellate Procedure.

By: /s/ Rusha C. Smith
Rusha C. Smith